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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 KURT ANGELONE,
12 Plaintiff,

13 v.

14 MICHAEL FURST, *et al*,
15 Defendants.
16

Case No. C07-5538RJB-KLS

ORDER GRANTING IN PART
PLAINTIFF'S MOTION FOR
EXTENSION OF TIME TO
RESPOND TO DEFENDANT
FURST'S MOTION FOR
SUMMARY JUDGMENT

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19 This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. §
20 636(b)(1), Local Rules MJR 3 and 4, and Rule 72 of the Federal Rules of Civil Procedure. The case is
21 before the Court on plaintiff's filing of a motion for extension of time until September 26, 2008 (Dkt.
22 #89), in which to respond to defendant Michael Furst's motion for summary judgment (Dkt. #84). After
23 reviewing plaintiff's motion, defendant's response to that motion (Dkt. #88), plaintiff's reply thereto
24 (Dkt. #90), and the balance of the record, the Court finds and orders as follows:

25 On June 23, 2008, defendant Furst filed his motion for summary judgment, which is noted for
26 consideration on August 1, 2008. On July 7, 2008, plaintiff filed his motion for an extension of time to
27 respond thereto, which is noted for July 25, 2008. Plaintiff's response to defendant Furst's motion for
28 summary judgment is due July 28, 2008. Plaintiff states he is requesting the extension of time, because

1 the period designated for discovery does not end until August 30, 2008, and he currently is preparing a
2 motion for an order compelling all defendants in this matter to provide him with the required discovery,
3 and he has not completed his discovery with respect to defendant Furst. Namely, with respect to the last
4 reason, plaintiff states he is preparing requests for admission for defendant Furst.

5 Defendant Furst responds that plaintiff already has conducted extensive discovery in this matter,
6 that plaintiff has no outstanding discovery requests as to him, and that plaintiff has not provided the Court
7 with any specific reasons why he feels an additional two months is necessary to respond to his motion for
8 summary judgment. Accordingly, defendant opposes plaintiff's request. Although the Court is aware
9 that plaintiff has sought to have issued a number of subpoenas in this matter, it is not privy to the exact
10 nature and extent of discovery conducted by plaintiff to date. On the other hand, while plaintiff states that
11 he is preparing further discovery requests with respect to defendant Furst, there is no indication that there
12 now is any outstanding discovery request actually made by plaintiff here.

13 The Court further finds plaintiff's reasons for seeking a two-month extension of time to be
14 lacking. First, in regard to the fact that the discovery deadline in this case is not until August 30, 2008,
15 this alone is not a sufficient reason for delaying consideration of a summary judgment motion. Federal
16 Rule of Civil Procedure ("Fed. R. Civ. P.") 56 does not require discovery to be completed prior to the
17 filing of a motion for summary judgment. See Fed. R. Civ. P. 56(a). While that Fed. R. Civ. P. 56(f) does
18 allow the Court to allow for further discovery to be undertaken if the "party opposing the motion shows
19 by affidavit that, for specified reasons, it cannot present facts essential to justify its opposition."
20 However, plaintiff has not done that here. That is, although he argues in general that discovery in this
21 matter should be completed first, he has not shown specifically why he cannot now present facts essential
22 to justify his opposition to defendant Furst's motion for summary judgment.

23 Accordingly, the Court will not grant plaintiff's request for a two-month extension. However, as
24 plaintiff's response is now due in less than a week, the Court shall grant plaintiff a two-week extension of
25 time in which to respond to defendant Furst's motion for summary judgment. Plaintiff's motion for an
26 extension of time to respond to that motion for summary judgment (Dkt. #89), therefore, hereby is
27 GRANTED to the extent that plaintiff shall file his response thereto by **no later than August 11, 2008**.
28 Defendant Furst shall file a reply, if any, to plaintiff's response by **no later than August 14, 2008**. The
Clerk thus shall re-note defendant Furst's motion for summary judgment (Dkt. #84) for consideration on

1 **August 15, 2008.**

2 The Clerk is directed to send a copy of this Order to plaintiff and counsel for defendants.

3 DATED this 24th day of July, 2008.

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7 Karen L. Strombom
8 United States Magistrate Judge
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